THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO: 20009 of 2004

Dt.19-09-2005

Between:

Mohd. Shajiuddin Thasken Patel,

S/o late Mohd. Haider Ali.

…Petitioner

and

1. The Government of Andhra Pradesh, represented by its

Principal Secretary, Home Department, Secretariat,
Hyderabad and 4 others.

…Respondents

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WRIT PETITION NO: 20009 of 2004

ORDER: -

Declaring the action of the respondent-Police in frequently visiting the house of the petitioner and calling him to the police stations without any crime or case being registered as illegal and arbitrary, the writ petition is filed.

2. When the matter was taken up for hearing on 16-09-2005, none appeared for the petitioner and therefore, the matter was directed to be listed today. Today when the matter is called an adjournment was sought to post the matter to some other date.

3. According to the averments mentioned in the affidavit filed in support of the writ petition, the petitioner is a resident of Banjara Hills doing milk business in Patel Dairy at Muradnagar and Syed Aliguda, that the fifth respondent opened a rowdy sheet against him on 12-03-2000, and that as on today even though there is no case against him the respondent police used to come to his house and directed him to follow them as rowdy sheet is pending against him, and as such he lost his friendly relationship.

4. The Inspector of Police of the fifth respondent police station has specifically denied the allegations in the affidavit of the petitioner in his counter affidavit. It is specifically averred in the counter affidavit that the respondent Police never harassed the petitioner at any point of time, and the petitioner had been attending to the police station for the purpose of signing in the register to comply with the conditions imposed by the Court of V Metropolitan Magistrate, Hyderabad, while granting bail, and the allegations are invented and concocted.

5. In view of the fact that the averments mentioned in the affidavit of the petitioner have been specifically denied by the fifth respondent in his counter affidavit, and such a disputed facts cannot be decided in exercise of the powers under Article 226 of the Constitution of India, I am of the considered view that the writ petition is devoid of merits.

6. Hence, the writ petition is accordingly dismissed at the stage of admission itself.

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JUSTICE K. C. BHANU

Dt.19-09-2005

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